

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION**

IN RE:
CYNTHIA A. SIMMONS

DEBTOR

CYNTHIA A. SIMMONS

MOVANT

Vs.

**MUNCIPAL EMPLOYEES CREDIT
UNION OF BALTIMORE, INC**
RESPONDENT

CHAPTER 7
CASE NUMBER: 19-17836

PROPERTY
1302 E. 36th Street
Baltimore, Maryland 21218

**MOTION TO AVOID JUDICIAL LIEN OF
MUNCIPAL EMPLOYEES CREDIT UNION OF BALTIMORE, INC**

NOW COMES, Cynthia A. Simmons, (the “Movant” or “Debtor, collectively) by and through her undersigned counsel, moves this for avoidance of a judicial lien pursuant to 11 U.S.C. 522(f)(1)(A), to avoid the judicial lien of Municipal Employees Credit Union of Baltimore, Inc., (“MECU”), and in support thereof state:

1. That the creditor, of MECU holds a judgment against the Debtor in the amount of \$20,168.91, which includes pre-judgment interest, court cost, attorneys fees and post-judgment interest entered on November 28, 2016. Under Maryland law as it pertains to property located in Baltimore City, a lien is created on debtor’s real property located 1302 E 36th Street, Baltimore, Maryland 21218 (the “Property”).

2. That the judgment lien of the creditor MECU impairs an exemption to which the debtor would have been entitled under the laws of the State of Maryland, which exemption has been claimed by the debtor in this case and had been allowed.

3. The Debtor's property is encumbered by a mortgage held by Carrington Mortgage in the amount of \$120,661.00. *See Schedule A of Petition.*

4. The value of the property at the time of filing of the bankruptcy was \$120,661.00.

5. To the extent that the Respondent's claim exceeds the fair market value of the Debtor's home.

\$120,661.00 value of collateral
\$120,661.00 balance due mortgage

-\$ -0.00 In Equity

6. The Debtor that the judicial lien of the Respondent is not secured by the collateral.

7. That there is no equity available to secure the debt owed to the creditor at the present time.

8. That the debtor is entitled to avoid the judgment lien of the creditor, in the property described in paragraph 1 above.

WHEREFORE, the debtor respectfully moves this Honorable Court to enter an Order avoiding the lien of the creditor, the property described in paragraph 1 above and pursuant to 11 U.S.C. 522(f) and 11 U.S.C 506.

Respectfully Submitted,

THE LAW OFFICES OF KIM PARKER, ^{P.A.}

/s/ Kim Parker

Kim Parker, Esquire
COUNSEL FOR MOVANT
Bar No.: 23894

2123 Maryland Avenue
Baltimore, Maryland 21218
O:410-234-2621
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NOTICE OF MOTION AND HEARING

A motion was filed on behalf of the debtor(s) to avoid a lien held by Municipal Employees Credit Union of Baltimore, Inc. This Motion seeks to change the status of your claim. Please read this Motion carefully as your rights may be affected. You may wish to consult with your counsel regarding the Motion.

If you do not want the court to grant the motion avoiding the lien, or if you want the court to consider your views on the motion, then by February 15, 2022 (parties served by mail may add three (3) additional days to the response deadline) you or your lawyer must file with the Clerk of the Bankruptcy Court a response to the motion explaining your position and mail a copy of the response to: Kim Parker, Esq., Law Offices of Kim Parker, PA 2123 Maryland Ave, Baltimore, MD 21218.

If you mail, rather than deliver, your response to the Clerk of the Court for filing, you must mail it early enough so that the court will receive it by the date stated above.

IF YOU TIMELY FILE A RESPONSE TO THE AFOREMENTIONED MOTION, A HEARING WILL BE SCHEDULED ON FEBRUARY 28, 2022, AT 2:30 PM AT THE U.S. BANKRUPTCY COURT, COURT ROOM 9-D, 101 W. LOMBARD STREET, MARYLAND 20201.

IF YOU OR YOUR LAWYER DO NOT FILE A TIMELY RESPONSE TO THE MOTION, THE COURT MAY GRANT THE RELIEF SOUGHT IN THE MOTION AND MAY GRANT OR OTHERWISE DISPOSE OF THE MOTION BEFORE THE SCHEDULED HEARING DATE.

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of January, 2022, I reviewed the Court's CM/ECF system and it reports that an electronic copy of the Notice of Debtor(s)' Motion to Avoid Lien Pursuant to 11 USC § 522(f) and Hearing Thereon will be served electronically by the Court's CM/ECF system on the following:

Zvi Guttman, Esq.
Chapter 7 Trustee

I hereby further certify that on the 18th day of January 2022, a copy of the Notice of Debtor(s)' Motion to Avoid Lien Pursuant to 11 USC § 522(f) and Hearing Thereon was also mailed first class mail, postage prepaid to:

Municipal Employees Credit Union of Baltimore, Inc.
Serve: The Corporation Trust, Inc.
2405 York Road
Suite 201
Lutherville Timonium, Maryland 21093

Municipal Employees Credit Union of Baltimore, Inc.
John M. Hamilton, President and CEO
301 E. Baltimore Street
Baltimore, Maryland 21202

/s/ Kim Parker

Kim Parker